

Agricultural Commission Meeting Minutes

September 14, 2010

Town Hall

Members Present: Ruth Hazzard, Pat Wagner, Sally Fitz, Touria Eaton, Wm Levine, Jeremy Barker-Plotkin.

Members Absent: John Thibbits, Jaime Tidland

Non-Members Present: Jonathan Tucker (Town staff), Diana Stein (Select Board), David Ziomek (Staff liaison), John Gerber (UMass, Amherst), Kelly Erwin (Farm-to-School Program)

Town Warrant Article – Preference for Agricultural Products

John Gerber presented the background for the creation of the proposed warrant article. The idea for the warrant article was inspired by discussions of the Amherst Relocalization Project regarding issues of sustainability and the environment. John has spoken to key constituents to obtain input and support for the article, including the Town Manager, members of the Agricultural Commission (Sally Fitz, Wm Levine), the Amherst Board of Health, the Director of Food Services for the Amherst schools (Rebecca Trietley), and the Director of Finance and Operations for the Amherst Schools (Rob Detweiler). The text of the draft of the warrant article, along with corrections made at this meeting, appear at the end of this document.

Kelly provided background re: recent changes to the state law (MGL 30B) such that farm operators can have multiple contracts with government agencies for contract amounts under \$25K. Pat wondered whether the warrant article should include a statement about encouraging the higher education institutions in town to buy local. Several people pointed out that UMass Amherst is already a large purchaser of local food, and Hampshire College is also actively incorporating local products into their food services. Wm asked what would happen if local sources cannot fulfill the volume needed. Kelly indicated that purchases that were made from towns surrounding Amherst would still be considered “local.” Ruth asked which town bodies would be affected by the warrant article. The largest buyer of foods is the schools; David indicated that the town sometimes orders food for events. Other town bodies that might be affected are the Senior Center and LSSE.

The language of the warrant article was discussed. Minor changes were made, including adding a reference to the state law under which the warrant article falls. Kelly Erwin agreed to provide the exact reference for the most recent change to the law. A motion was made to present the warrant article, with changes as noted, to the town meeting. The motion was unanimously supported.

David added this warrant article before the deadline to the list of possible fall Town meeting warrant articles, so this warrant article can be reviewed then. Sally agreed (with help from David) to make sure the warrant article made its way through the review process before it was ready to present at Town meeting. The town bodies that will vet the warrant article are Board of Health, Finance Committee, Conservation Commission, and the Select Board.

Town Warrant Article – Accessory Livestock or Poultry

Jonathan reviewed the Planning Commission zoning subcommittee’s proposed changes regarding livestock and poultry in residentially zoned areas. In particular, the proposed zoning changes refer to rabbits, ducks, pigeons, doves and hens. Currently, 3 out of the 5 residential zones only allow livestock if a special permit is granted. The current changes propose allowing those residential zones to have these livestock by right (i.e., no special permit needed), the number of which is based on the size of the property. The proposed zoning changes would have no effect on the current laws for the other 2 residential area zones.

The proposed zoning changes would prohibit any other livestock (e.g., goat) from being permitted in residential areas that would now, through special permit, allow such livestock. Members of the Ag Commission expressed

concern that the change would restrict rights that are currently in place. Jonathan agreed to communicate the Commission's concerns to the Planning Board zoning subcommittee.

Town Warrant Article – Farm Stands

Jonathan reviewed the Planning Commission's zoning subcommittee's proposal to change the zoning laws as they relate to farm stands in order to incorporate a recent change to MGL Chapter 40A, Section 3. [The new law now includes 2-acre plots of land that are in agricultural use to be considered farmland.] The Commission had an overall favorable view of the changes, but wanted to gather more information before making an official statement of support. Ruth encouraged members to attend Planning Board meetings in order to learn more about these changes.

Subcommittee Reports

Communication: John and Jaime were not present, so no report was given.

Preservation and use of farmland: Pat handed out a copy of the subcommittee goals. They were accepted unanimously. The goals are as follows:

1. Identification of Town owned land.
2. Determination of intended use of Town owned land when purchased.
3. Sellers' restrictions, if any, on Town owned land.
4. Identify parcels that can potentially be used for agricultural purposes.
5. In conjunction with the Conservation Commission, establish the procedure for public notification of parcels that are available for agricultural use.
6. Establish the procedure for pairing potential farmers and Town owned parcels.
7. Advise Conservation Commission about developing policies regarding agricultural use of Town owned land.

Pat indicated that, given the large number of Town owned parcels, the subcommittee would work with Conservation Commission to focus on parcels that are the most relevant to agriculture. David indicated that a subcommittee of the Conservation Commission was handling a project that was most closely aligned with these goals (members are Dan Kaplan and John Gerber). Pat plans to invite Dan and John to a subcommittee meeting. Pat questioned whether it is appropriate to participate in the Conservation Commission and Planning Board discussions, given the formality of the meeting format. David and Jonathan encouraged Pat to attend meetings and ask questions/provide input.

Education: Sally and Touria met with Mike Hayes and Rich Ferro at the Amherst Middle School. The school has several agriculture/garden/sustainability projects underway, including the incorporation of an on-site greenhouse into the 7th grade science curriculum, and an arboretum. Touria indicated the school's interest in having a large plot available so each 7th grade academic team could have its own growing area. Touria and Sally inquired about the Hawthorne property as a possible site. David indicated that the Hawthorne property, which is near the school grounds, is designated for recreational space and affordable housing, so it might not be a suitable site for the school growing area. David, Touria and Sally agreed to continue discussing this possibility. Pat suggested that, since the land had been farmed as recently as last year, part of the land might be available for agricultural use under an agricultural exemption.

Farmer's Market Issues: Ruth reported that there is a signed agreement with Amherst Middle School for the site of the market; the group is applying for insurance; the public/farmers have been notified via email, postcard and Gazette article that the market is being put into place; quite a few additional farmers have expressed interest in participating (although none from Amherst); EBT (Electronic Benefits Transfer) is being sought to make the market affordable for low income families; the door will remain open after this year so farmers could join in

future years; and the group is looking at ways to make the sign-up flexible so a farm does not have to commit to the market for an entire season, etc.

Hawkers and Peddlers regulations

Wm reviewed a letter he drafted on behalf of the Agricultural Commission regarding the current regulations for hawkers and peddlers. He would like to inquire whether farmers who are prohibited from setting up a farm stand on their land (e.g., Town owned/leased farmland) are not required to obtain a hawker and peddler license to set up a vendor cart in town. While the law seems clear, it might help to obtain legal clarification. Wm agreed to edit the letter for future review.

Special Municipal Employee Status

Diana indicated that Ag Commission members had “special municipal employee status” and, therefore, the conflict of interest laws that apply to municipal employees/board members were less restrictive. Because the Agricultural Commission requires that farmers (who could have an interest in the outcome of decisions) sit on the Commission, by definition, there is a likely conflict of interest. She reviewed the law and other material, and found that there is no information that explicitly clarifies conflict of interest issues for Agricultural Commission members. She concluded that it is permissible for Ag Commission members to advocate for an issue on the Ag Commission, even if the issue has a bearing on that member’s farm business, as long as the issue is not going to exclusively benefit that member. She noted that, if any member has a specific question about a potential conflict of interest, they can contact the state ethics commission.

Meeting minutes

Members agreed to postpone minutes review to next meeting.

Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Sally Fitz

*DRAFT for consideration by the Amherst Agricultural Commission
(based on documents passed in Hatfield and Cambridge, MA)*

PROPOSED TOWN WARRANT ARTICLE TO CREATE A PREFERENCE FOR AGRICULTURAL
PRODUCTS, GROWN OR PRODUCED AS PART OF A MASSACHUSETTS FARMING OPERATION IN
ALL GOVERNMENTAL PURCHASES IN THE TOWN OF AMHERST

Whereas, the **Town of** Amherst has a long history of supporting local farms and agriculture, most recently evidenced by the adoption of a local Right-to-Farm bylaw;

Whereas, the citizens of Amherst value good nutrition especially for our children and recognize that food grown close to home by people we trust is likely to be safer, fresher and therefore more nutritious;

Whereas, Amherst is located in the Pioneer Valley of the Connecticut River, an area rich with agricultural communities and excellent farming operations;

Whereas, escalating climate change, diminishing supplies of readily available and inexpensive fossil fuels, and continued economic stress may be at least partially ameliorated by increasing availability and consumption of local foods.

Therefore, be it resolved that, pursuant to MGL 30b, it is the stated preference of the Town of Amherst that all governmental bodies, including the town's schools, make every effort to purchase agricultural products, grown or produced as part of a Massachusetts farming operation, with preference given to farmers in the town and nearby communities when appropriate and allowed by law. This preference extends to stating such a preference when any governmental body is advertising for bids or contracts for purchases of agricultural products of \$25,000 or more.

Considered by the Amherst Agricultural Commission on **September 14, 2010.
Committee voted **unanimously** to forward to Amherst Select Board for consideration of placement on
(date) Town Meeting Warrant**